

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2005-094126

06/22/2009

HONORABLE DAVID M. TALAMANTE

CLERK OF THE COURT
M. Kay
Deputy

IN RE THE MARRIAGE OF
BRENDA M MITCHELL-SHERMAN

TERRY B KISER

AND

MICHAEL S MITCHELL

JOHN G BEDNARZ

DANIEL J CHRISTIANO, PH.D.
GREENFIELD BUSINESS CENTER
4115 E VALLEY AUTO DR, STE 203
MESA AZ 85206

MINUTE ENTRY

Courtroom 403 – SE

This is the time set for Resolution Management Conference re: Petitioner's Petition for Contempt for Failure to Pay Child Support and for Modification of Child Support and Access. Petitioner is present and represented by above named counsel. Respondent is present telephonically and is represented by above named counsel.

No record of the proceeding is made.

LET THE RECORD REFLECT counsel for Petitioner and Respondent advise court staff that the parties do not have any issues to address with the Court this date. Counsel further advise court staff that the parties agree to participate in an assessment to be completed by Dr. Daniel J. Christiano. Counsel for the parties request that the Court schedule this matter for a 2 hour evidentiary hearing.

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IT IS ORDERED directing counsel for Petitioner to provide this Court, within 15 days of today's date, with a formal written Order for the appointment of Dr. Christiano.

IT IS FURTHER ORDERED setting an Evidentiary Hearing re: Petitioner's Petition for Contempt for Failure to Pay Child Support and for Modification of Child Support and Access on **August 27, 2009 at 10:00 a.m. (2 hours allowed)** in this Division at:

Maricopa County Superior Court
Southeast Judicial District
222 E. Javelina Avenue
Courtroom 403
Mesa, AZ 85210

Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least 30 days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

IT IS ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall exchange updated disclosure statements required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits at least 30 days prior to the hearing.
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed at least 15 days prior to the hearing.
3. Counsel and both parties shall personally meet, face to face, at least 20 days prior to the hearing to conduct settlement discussions, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.
4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably

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required to obtain any relevant documents or records from any financial institution, company or business, medical or health care provider, or employer possessing any relevant and discoverable information.

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a Joint Pre-hearing Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 days prior to the hearing.

IT IS FURTHER ORDERED that the Joint Pre-hearing Statement shall include the following attachments:

1. A current Affidavit of Financial Circumstances.
2. A current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
3. If there are disputed custody, access or visitation issues, a specific proposal for custody and visitation by each party.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of hearing, or to timely present the Joint Pre-hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D) and 91(Q), Arizona Rules of Family Law Procedure, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED that, if either party has more than 5 exhibits to be marked, arrangements shall be made with the Clerk of this Division at least 5 days prior to hearing to schedule a time to deliver said exhibits to the Clerk. Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pre-hearing Statement which exhibits they have agreed will be admissible at hearing as well as any specific objections that will be made to any exhibit if offered at hearing which is not agreed to be admitted. Reserving all objections to the time of hearing will not be permitted. At the time of hearing all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pre-hearing Statement shall be summarily admitted.

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IT IS FURTHER ORDERED that any party filing a request for findings of fact and conclusions of law pursuant to Rule 82, Arizona Rules of Family Law Procedure, shall submit proposed findings of fact and conclusions of law to this Division no later than 20 days prior to trial. Any controverting findings of fact and conclusions of law proposed by the adverse party shall then be submitted no later than 10 days prior to trial.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure. Should the parties reach a full agreement prior to the date of the hearing, the Court will consider a motion to vacate the hearing **ONLY AFTER A SIGNED STIPULATED AGREEMENT IS PRESENTED TO THE COURT.**

NOTE: ALL COURT PROCEEDINGS ARE RECORDED BY AUDIO METHOD AND NOT BY A COURT REPORTER. ANY PARTY MAY REQUEST THE PRESENCE OF A COURT REPORTER BY CONTACTING THIS DIVISION THREE (3) COURT BUSINESS DAYS BEFORE THE SCHEDULED HEARING.

NOTICE: A child should not be brought to the Courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by the Judge in chambers or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of Court personnel do not permit them to perform this function.